

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

v.

ROMAN ARAGON, *et al.*,
Defendants.

69cv07941-MV/LFG

RIO CHAMA STREAM SYSTEM
Section 3, Canjilon Creek

Subfile No.: CHCJ-004-0033
CHCJ-004-0058

**MOTION TO AMEND CONSENT ORDERS DESCRIBING THE WATER RIGHTS
ASSOCIATED WITH THE MONTOYA CREEK DITCH**

The plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) moves the Court to amend two *Consent Orders* associated with the Montoya Creek Ditch. As grounds therefore plaintiff states:

1. The *Consent Orders* entered by the Court for subfile CHCJ-004-0033 (Doc. No. 6845 entered on September 4, 2002) and subfile CHCJ-004-0058 (Doc. No. 6415 entered on December 4, 2001) describes the location of the X and Y coordinates for the Montoya Creek Ditch as follows:

Point of Diversion:

Ditch Name: MONTOYA CREEK DITCH

Location X: 1,589,973 feet **Y:** 2,002,676 feet
New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

2. Upon further inspection and review by the State, the above X and Y coordinates for the Montoya Creek Ditch as stated in the *Consent Orders* are incorrect. Subfiles CHCJ-004-0033

and CHCJ-004-0058 are the only subfiles associated with the Montoya Creek Ditch affected by this motion.

3. The correct X and Y coordinates for the Montoya Creek Ditch are as follows:

Point of Diversion:

Ditch Name: MONTOKA CREEK DITCH

Location X: 1,583,785 feet **Y:** 1,989,516 feet
New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

WHEREFORE, the State requests the Court amend the *Consent Orders* entered for subfiles CHCJ-004-0033 (Doc. No. 6845) and CHCJ-004-0058 (Doc. No. 6415) describing irrigation under the Montoya Creek Ditch as described in paragraph 3 above.

Pursuant to the Court's February 4, 2013 *Order* (Doc. No. 10891), the State requests the Clerk of the Court to mail copies of the approved Order requested in this Motion to the parties listed below at the address listed.

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the _____ day of April, 2014, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served by electronic mail, and served the following non-CM-ECF participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

CHCJ-004-0033

Angelina G. Martinez

1937 North 7th St.

Colorado Springs, CO 80907

CHCJ-004-0058

Karla B. Vigil

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/s/ Ed Newville

EDWARD G. NEWVILLE